

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PAJARO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014110390

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES

On February 26, 2015, the parties filed a joint request to continue the dates in this matter in order to conclude the second part of a continuing individualized education program team meeting and reconvene in mediation.¹ This is the second request for a continuance.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

¹ OAH received the request for continuance after 5:00 p.m., on February 25, 2015. Therefore, it is deemed filed as of the next business day.

☒ Granted. All dates are vacated. **However, there will be no further continuances without a showing of substantial good cause.** This matter will be set as follows:

Mediation:	March 26, 2015, at 9:30 a.m. ²
Prehearing Conference:	April 17, 2015, at 1:00 p.m.
Due Process Hearing:	April 27, 2015, at 1:30 p.m., April 28-29, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: February 26, 2015

/s/
THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

² OAH regularly conducts mediations on Tuesdays, Wednesdays and Thursdays. The parties' request to schedule mediation on March 27, 2015, a Friday, is denied. If the parties are not available for mediation on March 26, 2015, they are encouraged to submit a request for an alternate, mutually agreed-upon mediation date as soon as possible.